

REMARKS

In response to the Office Action dated October 29, 2004, Applicants respectfully request reconsideration based on the following remarks. Applicants respectfully submit that the claims as presented are in condition for allowance.

Claims 1-4 and 11-15 were rejected under 35 U.S.C. § 103 as being unpatentable over Malik in view of Weber. This rejection is traversed for the following reasons.

Claim 1 recites a method for making a long distance or international telephone call comprising, in pertinent part, "responding to a calling plan service announcement by entering a selection responsive to whether the long distance call is to be billed to a home long distance calling plan, a calling card plan, or a toll-free calling plan". This feature was previously recited in claim 3. Neither Malik nor Weber teach or suggest this feature. Malik is concerned with billing a call to a caller's home phone number. Weber was relied upon for disclosing use of a caller password to authenticate a caller.

In discussing claim 3, the Examiner states that the combination teaches the claimed subject matter. However, neither Malik nor Weber teaches or suggests responding to a calling plan service announcement by entering a selection responsive to whether the long distance call is to be billed to a home long distance calling plan, a calling card plan, or a toll-free calling plan. Thus, claim 1 is considered allowable over any combination of Malik and Weber.

For at least the above reasons, claim 1 is patentable over Malik in view of Weber. Claim 11, as amended, recites features similar to those discussed above with reference to claim 1 and is considered allowable for at least the same reasons. Claims 2, 4 and 5 and claims 11-13 and 15 variously depend from claims 1 and 11, respectively, and are patentable over Malik in view of Weber for at least the reasons advanced with reference to claim 1.

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Furthermore, with respect to claim 14, the Examiner relied on Official Notice and stated "it's well known in the art to query a user for the type of service desired in order to provide services as desired." Applicants contest the reliance on Official Notice. First, it is not clear whether the Official Notice is being relied upon for claim 14 or claim 15. Second, Applicants dispute that the subject matter of original claim 14 (now in claim 11) is well known in the art and request that the Examiner provide documentary evidence in the next Office action if the rejection is to be maintained (see MPEP § 2144.03). Applicants agree that querying a user for a type of service, in general, is known (e.g., prompting a caller to select English or Spanish), but the selection recited in claim 11 (and claim 1) is not well known in the art.

Claims 5-10 were rejected under 35 U.S.C. § 103 as being unpatentable over Malik in view of Weisser and Weber. This rejection is traversed for the following reasons.

Claim 5 has been amended to recite the features of claim 9, namely "prompting a caller to select whether the call is to be billed to the caller's home long distance calling plan, the caller's calling card plan, or the caller's toll-free calling plan." As discussed above, the combination of Malik and Weber fails to teach or suggest this feature. Weisser was relied upon for disclosing a general SCP querying a second SCP but fails to cure the deficiencies of Malik and Weber discussed above.

For at least the above reasons, claim 5 is patentable over Malik in view of Weisser and Weber. Claims 6-8 and 10 variously depend from claim 5 and are patentable over Malik in view of Weisser and Weber for at least the reasons advanced with reference to claim 5.

In view of the foregoing remarks and amendments, Applicants submit that the above-identified application is now in condition for allowance. Early notification to this effect is respectfully requested.

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If there are any charges with respect to this response or otherwise, please charge them to Deposit Account 06-1130.

Respectfully submitted,

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